P.R. No. 218/06
Presented by Shri P.M. Shrivas
dated 13/1/06

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(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 210 / 2006

Single Bench

PETITIONER :**Ramesh Ku. Verma**
S/o Late Shyamlal Verma
Aged about 33 years,
Nutan Colony, Q. No-I-10
Dsit- Bilaspur(C.G)

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Versus

RESPONDENTS

1. **State of Chhattisgarh ,**
Through Secretary, Legal Ministry
Department of Law, D.K.S. Bhawan,
Raipur (C.G)

2. The Establishment of
District & Session Judge
Establishment Section
District- Bilaspur (C.G)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A SUITABLE WRIT ORDER OF DIRECTION TO DO JUSTICE IN THE MATTER.

HIGH COURT OF CHHATTISGARH AT BILASPUR
WRIT PETITION NO. 210 of 2006

Petitioner		Ramesh Ku. Verma S/o Late Shyamlal Verma, Aged about 33 years, Nutan Colony, Q. No.I-10, Distt-Bilaspur (C.G.)
	Versus	
Respondents	1.	State of Chhattisgarh, Through Secretary, Legal Ministry, Department of Law, D.K.S. Bhawan, Raipur (C.G.)
	2	The Establishment of District & Session Judge, Establishment Section, District-Bilaspur (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

Single Bench :- Hon'ble Shri Justice **Satish K. Agnihotri**

Present :- Shri H.S. Ahluwalia, Advocate for the petitioner.
Shri Sushil Dubey, Govt. Advocate for the respondent No. 1/State.
None appears for the respondent No. 2.

ORDER
(Passed on this 21st day of June, 2007)

1. Learned counsel appearing for the petitioner submits that the petitioner was denied appointment on compassionate basis on the ground that his younger brother, namely, Suresh Kumar Verma is a Government employee. Before death of father of the petitioner his brother started residing separately.

2. This Court by the judgment and order dated 27.6.2006 passed in **W.P. No. 3569/2005 (Ku. Joyti Agrawal vs. State of Chhattisgarh and others)** held as under:-

> "Now the question that the brother of the petitioner is already employed as Clerk in the Education Department, therefore, she is not entitled for the compassionate appointment is concerned, in the rejoinder it has been mentioned that he was residing separately with his mother and not with his father along with petitioner, therefore, same cannot be taken

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to be a ground for refusing compassionate appointment to her"

3. In view of clear finding of this Court, the respondent No. 2 is directed to conduct necessary enquiry in this regard and consider the case of the petitioner in accordance with the Government policy and also in accordance with the judgment and order passed in the case of **Ku. Joyti Agrawal** (supra), within a period of three months from the date of receipt of a copy of this order.

4. The writ petition is accordingly allowed. No order as to cots.

Sd/-
S.K. Agnihotri
Judge

B/